

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York
By: MELISSA A. CHILDS
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Telephone No.: (212) 637-2711
Fax No.: (212) 637-2717
Email: melissa.childs@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Judgment Creditor,

V.

LORRAINE SHANLEY,

Defendant and
Judgment-Debtor,

and

NEW YORK CITY POLICE PENSION FUND,

Garnishee.

19 CR 383-01 (SHS)

**APPLICATION FOR WRIT OF
GARNISHMENT**

The United States of America, by and through its attorney, Audrey Strauss, Acting United States Attorney for the Southern District of New York, applies, pursuant to 28 U.S.C. § 3205(b)(1), for a Writ of Garnishment upon the judgment entered against defendant Lorraine Shanley, whose social security number is ***-**-2976, and last known address is in Staten Island, New York.¹ Shanley pled guilty to bank fraud and filing false tax returns concerning her theft of substantial

¹ Pursuant to Fed. R. Crim. P. 49.1, the defendant's social security number has been redacted to the last four digits and the home address has been redacted to the city and state to prevent public disclosure. Upon request of the court, the full social security number and address will be provided in camera.

funds from a charitable organization, which resulted in losses of \$406,851 to Survivors of the Shield and \$103,983 to the Internal Revenue Service. *See Judgment* (Dkt. 32). The Court entered judgment against Shanley on January 14, 2020 in the amount of \$511,534, plus interest accruing at 1.55%. *Id.* As of January 7, 2021, Shanley has paid \$290,700 and owes the remaining balance of \$\$224,392.29.² More than 30 days has elapsed since demand for payment of the debt was made, yet the balance has not been paid.

Pursuant to 18 U.S.C. § 3613(c), upon entry of judgment, a lien arose against all of Shanley's property and rights to property. The Crime Victim Rights Act requires the Court and the attorneys for the government to ensure that victims are accorded certain rights, including the right to full and timely restitution as provided in law. *See* 18 U.S.C. §§ 3771(a)(6), (b)(1), and (c)(1). As mandated by Congress, the government has a statutory duty to collect restitution owed to crime victims and many cumulative civil and criminal enforcement remedies available to do so. *See* 18 U.S.C. §§ 3612, 3613, 3613A, 3614, 3664, and 3771; and 28 U.S.C. §§ 1651, and 3001-3008.

To enforce the judgment, the United States requests that a writ of garnishment be issued for service upon the garnishee. The name and address of the garnishee and its authorized agent is:

New York City Police Pension Fund
Legal Department
233 Broadway, 25th Floor
New York, New York 10279

² The judgment included a payment schedule that required Shanley to pay a \$700 special assessment immediately and a lump sum payment of \$290,000 toward restitution within 30 days. Judgment, p. 8. The judgment also included a special condition of supervision that requires her to "make payments toward of the restitution in monthly installments of 20% of her gross monthly income to commence 30 days after release from prison." *Id.* at 6. Shanley is currently in residential reentry management until November 2021. *See* Bureau of Prisons Inmate Locator at www.bop.gov/inmateloc (visited December 3, 2020).

The United States believes the garnishee to be in possession, custody, or control of substantial nonexempt property belonging to or due Shanley, including but not limited to nonexempt disposable earnings.³

After the garnishee has been served, pursuant to 28 U.S.C. § 3202(c), the United States will serve Shanley and each person whom the United States has reasonable cause to believe has an interest in the property subject to the writ of garnishment. The attached Writ of Garnishment satisfies the requirements of 28 U.S.C. § 3205.

Dated: New York, New York
January 7, 2021

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: /s/ *Melissa A. Childs*
MELISSA A. CHILDS
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2711
E-mail: melissa.childs@usdoj.gov

³ “Earnings” means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments to a pension or retirement program. “Disposable earnings” means that part of earnings remaining after all deductions required by law have been withheld. “Nonexempt disposable earnings” means 25 percent of disposable earnings. 28 U.S.C. §§ 3002(5)-(6) and (9) (same as Section 302 of the Consumer Credit Protection Act, 15 U.S.C. § 1672).